

SENATE BILL NO. 750

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Read 1st time February 6, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5612S.02I

AN ACT

To amend chapter 324, RSMo, by adding thereto one new section relating to health care providers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 324, RSMo, is amended by adding thereto one new
2 section, to be known as section 324.018, to read as follows:

**324.018. 1. As used in this section, the following terms shall
2 mean:**

3 (1) "Advertisement", any communication or statement, whether
4 printed, electronic, or oral, that names a health care provider in
5 relation to his or her practice, profession, or institution in which the
6 individual is employed, volunteers or otherwise provides health care
7 services. This includes business cards, email, internet, audio, video, or
8 any other communication or statement used in the course of business;

9 (2) "Deceptive or misleading", any advertisement, affirmative
10 communication or representation that misstates, falsely describes,
11 falsely holds out or falsely details a health care provider's profession,
12 skills, training, expertise, education, board certification or licensure;

13 (3) "Health care provider", any physician, surgeon, dentist, nurse,
14 optometrist, mental health professional, or other practitioner of a
15 health care discipline, the professional practice of which requires
16 licensure or certification by the state of Missouri;

17 (4) "Licensee", a health care provider who holds an active license
18 with the licensing boards governing his or her practice in this state.

19 2. An advertisement for health care services that names a health
20 care provider shall identify the type of license held by the health care
21 provider. The advertisement shall be free from any and all deceptive
22 or misleading information.

23 **3. A medical doctor or doctor of osteopathic medicine may not**
24 **hold oneself out to the public in any manner as being certified by a**
25 **public or private speciality board, including but not limited to a**
26 **multidisciplinary board or "board certified", unless all of the following**
27 **criteria are satisfied:**

28 **(1) The full name of the board from which the medical doctor or**
29 **doctor of osteopathic medicine is certified, and the name of the**
30 **specialty or subspecialty is included in the advertisement; and**

31 **(2) The board meets any of the following qualifications:**

32 **(a) The board is an American Board of Medical Specialties**
33 **member board or an American Osteopathic Association certifying**
34 **board;**

35 **(b) The board has been deemed equivalent to the American**
36 **Board of Medical Specialties by the Missouri board of registration for**
37 **the healing arts; or**

38 **(c) The board requires successful completion of a post-graduate**
39 **residency program approved by the Accreditation Council for Graduate**
40 **Medical Education or American Osteopathic Association that provides**
41 **complete training in the specialty or subspecialty certified, and prior**
42 **certification by the member board of the American Board of Medical**
43 **Specialties or the American Osteopathic Association for that residency.**

44 **4. (1) Failure to comply with any provision of this section shall**
45 **constitute a violation of this section.**

46 **(2) Knowingly aiding, assisting, procuring, employing, or**
47 **advising any unlicensed person or entity to practice or engage in acts**
48 **contrary to the health care provider's degree of licensure shall**
49 **constitute a violation under this section.**

50 **(3) Delegating or contracting for the performance of health care**
51 **services by a health care provider when the licensee delegating or**
52 **contracting for the performance knows, or has reason to know, the**
53 **person does not have the required authority pursuant to the person's**
54 **licensure shall constitute a violation under this section.**

55 **(4) Any health care provider who violates any provision of this**
56 **section is subject to disciplinary action under the appropriate licensure**
57 **provisions governing that health care provider.**

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